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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [CU](#) [SP](#)
SUBJECT: SPAIN HOSTS HUMAN RIGHTS DIALOGUE WITH CUBA

Classified By: Deputy Chief of Mission Arnold A. Chacon, for reasons 1.
4(b) and (d).

11. (SBU) SUMMARY: Spanish officials hosted their Cuban interlocutors for a bilateral human rights dialogue February 18 in Madrid. This was the fourth round of the dialogue created in April 2007 when Foreign Minister Moratinos visited Havana. Moratinos, who did not participate in the latest discussions, told the media that the dialogue was a forum to talk about "all issues of interest, including human rights." He added that the agenda, established by consensus, would allow Spain and Cuba to move forward, building trust to achieve a higher degree of understanding and cooperation on the promotion of and respect for human rights." Spanish MFA contacts confirm press reports that the meetings ended without any specific commitments by the Cuban officials. END SUMMARY.

//The Participants//

12. (C) In contrast to previous editions of the Human Rights Dialogue, Cuba's delegation this time around were a whole new team, led by Cuban Ambassador to Spain Alejandro Gonzalez, described by one MFA contact as a "bulldog" (perro de presa). Director General of Foreign Policy Alfonso Lucini headed the Spanish delegation, while the Cuban delegation was led officially by Director General for Multilateral Affairs, Anayansi Rodriguez. MFA Director General for IberoAmerica Juan Carlos Sanchez and DG for the UN, Global Affairs, and Human Rights Jorge Domecq also represented Spain. The Cuban Ambassador was "rough" and played a leading and unhelpful role, according to Jorge Romeu, the Spanish MFA's Subdirector General for Mexico, Central America and the Caribbean. Romeu observed the Cuban side seemed very much on the defensive and the atmospherics were worse than previous dialogues in part because the Cuban team was new, and the GOC representatives did not want to go the way of the old team (i.e. they were intent upon not making the same mistakes as former FM Perez Roque had made in being perceived as too close to Spain, because FM Rodriguez did not want to end like Perez Roque). The Cuba side reportedly mentioned the so-called "Miami Five" many times, prompting Romeu to observe that the GOC still needed the USG as a foil.

//The Human Rights Agenda//

13. (SBU) On the agenda were the ratification of two international Human Rights agreements that Cuba signed in 12008. Spain also pressed Cuba on the death penalty and universal credit review, and asked for information about prison conditions and the entire penitentiary population. Regarding political prisoners, Spain planned to ask for the liberation of all prisoners of conscience, especially those with health problems and make a case for those that qualify for house arrest. MFA contacts indicated prior to the meeting that some sensitive cases could be discussed at the

Political Director level.

14. (C) Romeu told poloff February 23 that the portion of the dialogue devoted to political prisoners was the most sensitive. The Cuban side resisted Spanish efforts to table lists of specific prisoners and later said, "This part of the meeting never took place." The GOS starting position was to ask for the release of all prisoners of conscience. Barring that, Spain asked Cuba to consider the cases of approximately 15 political prisoners in the worst health, another 20 or so who might qualify for release and house arrest, and a third list of about 20 who might be relocated to penal facilities closer to their domiciles. (Note: Romeu cautioned there was some overlap among the three priority lists. MFA sources quoted in the media confirm that Orlando Zapata Tamayo, who died February 23, was among those prisoners named by the GOS. End note.) When the Cuban delegation refused to receive the lists in hard copy, the Spanish proceeded to read the names aloud. Romeu observed the Cubans reacted very negatively but did appear to take note of some names. Ambassador Gonzalez behaved like an aggressive "comisario politico," repeatedly calling the discussion and process "offensive." At a follow-on dinner, the Cuban ambassador attempted jokingly to make amends, saying, "We thought you were going to give us eight names." He suggested he could not have allowed the Spanish to read so many names without expressing offense.

15. (C) The Spanish viewed somewhat more positively progress on other agenda topics. Regarding the death penalty, Cuba maintains a moratorium in place and was firm in its commitment not to apply the death penalty, but said they could not exclude the possibility entirely. The Cuban side was skeptical of the work and objectivity of special human rights rapporteurs, but positively inclined to receive the UN's Special Rapporteur on torture, once such a visit could be rescheduled. Cuba had ratified international human rights instruments on forced disappearances and the rights of children, and maintained that additional agreements were under study. The Cubans were positive about a recent UN Human Rights Council session on Haiti, acknowledging the impact of natural disasters on human rights issues. In general, the GOC favored strengthening the UNHRC to make it more active, but saw no need, with the system of universal periodic review (UPR) in place, for special rapporteurs, save for countries with "flagrant violations." Spain expressed concern to Cuba over the opaque management of speakers' lists at UNHRC sessions, noting that Europeans had been unable to speak because countries friendly to perceived human rights violators had closed the lists.

16. (C) The Cubans briefed the Spanish on their implementation of sports and fitness programs in prisons and also boasted increased employment opportunities ("campos de trabajo") that had reduced to only a small number those prisoners serving in total isolation. Asked by the Spanish about a potential visit to Cuban prisons of the International Committee of the Red Cross, the Cubans insisted such access was "not in the mandate" of the Red Cross, over the objections of Spain. The Cubans evaded Spanish questions about the total prison population and numbers in penitentiary centers in Cuba. Spain believes between six and seven percent of the overall prison population is made up of detainees who await sentencing. The Cuban side was moderately open to discussing guarantees of release and house arrest, as well as regulations governing the number of visits that prisoners in various categories are permitted.

//Dissidents Excluded from February 17 Seminar//

17. (SBU) Spanish and Cuban Civil Society representatives, NGO's, and legal experts also took part in a January 17 seminar on human rights, where they were to discuss the Cuban penitentiary system, the two international agreements on human rights mentioned above, and gender equality. MFA contacts could not confirm which Cuban organizations and civil society representatives had been invited to the discussion, co-sponsored by two universities in Madrid, but

admitted that "at least a couple" were NGOs friendly to the Cuban Government. Post's dissident contacts insist that no opposition NGOs were invited or ultimately included. Amnesty International (AI), which was listed in initial press announcements of the seminar, was never actually invited. Angel Gonzalo, spokesman for AI in Spain, told the media that because AI has not been allowed in Cuba since 1986, the GOC-friendly organizations would not have accepted AI's participation. Therefore, AI representatives met with the GOS on February 16, according to media reports. Representatives of Cuba Democracia Ya protested in front of the European Commission delegation offices in Madrid over the inclusion in the seminar of the pro-Castro Hispano Cuban Friendship Association Bartolome de las Casas, according to the media.

//Comment//

18. (C) Asked how the February 18 Human Rights Dialogue went, SubDG Jorge Romeu was candidly not optimistic. He surmised the Cubans' approach going into the dialogue as "the best defense is an attack." Conservative Spanish media were openly critical of the lack of reported results, and Romeu indicated none would be forthcoming. Despite their exclusion from the preparatory seminar, some Cuban dissident contacts take heart from recent and unprecedented signs of GOS willingness to meet with human rights activists, citing the private meeting January 29 between FM Moratinos's Chief of Staff, Agustin Santos, and Blanca Gonzalez, whose son Normando Hernandez is a political prisoner in very poor health in Cuba. Gonzalez was in Madrid at the invitation of the Damas de Blanco, whose European representative was less enthusiastic about the MFA meeting -- insultingly discreet and insufficient below the level of Foreign Minister, especially after Moratinos had met with two of the wives of the so-called Miami Five.

19. (C) MFA contacts insisted the bilateral human rights talks had nothing to do with Spanish efforts to change the EU's Common Position toward Cuba. If the Common Position were to have come up naturally, however, Spain planned to advise Cuban officials that if they were interested in replacing the Common Position, they would best be able to influence the EU by releasing all political prisoners. The February 23 death of Orlando Zapata Tamayo due to a hunger strike while incarcerated has been portrayed by some Spanish media as a blow to the Zapatero administration's efforts to replace the Common Position. Following February 24 expressions of condolences to Zapata's family and friends, President Zapatero called publicly (if belatedly) February 25 on Cuba to respect human rights and to release all prisoners of conscience. Addressing the Presidents of the Foreign Affairs Commissions of the Parliaments of the EU Member States, Zapatero stated, "We can imagine the suffering of the Cuban political prisoners, and must demand from the Cuban regime that they release all prisoners of conscience, and respect human rights." He called for the active participation of all international organizations in putting pressure on any state that does not respect the Universal Declaration of Human Rights and the EU's Charter of Fundamental Rights and went on to say, "The fight for human rights is a priority in every region, under any circumstances."

SOLOMONT